

**Kansas Corporation Commission**  
**Commission Meeting**  
**February 6, 2020**  
10:00 a.m. 1<sup>st</sup> floor hearing room  
KCC Offices, 1500 Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on February 6, 2020, in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Duffy, Commissioner Albrecht and Commissioner Keen. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Items on the Consent Agenda dated January 6, 2020, containing pages one through four and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 19-KCPE-096-CPL**

*In the Matter of the Capital Plan Compliance Docket for Kansas City Power & Light Company and Westar Energy, Inc. Pursuant to the Commission's Order in Docket No. 18-KCPE-095-MER.*

Commissioner Albrecht moved for approval of order #20-0195 – Order Establishing Integrated Resource Plan Process. Commissioner Keen seconded the motion.

The motion was approved.

- B. **Docket No. 17-GIMM-408-KHP**

*In the Matter of the Investigation of Danny G. Lambeth, d/b/a Truck Wholesale of Wellsville, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.*

Commissioner Keen moved for approval of order #20-0196 – Order on Suspension of Motor Carrier Operations. Commissioner Albrecht seconded the motion.

The motion was approved.

**C. Docket No. 20-CONS-3218-CINV**

*In the Matter of a General Investigation into Increased Seismic Activity in Reno County, Kansas.*

Commissioner Keen moved for approval of Order #20-0207 – Order Opening General Investigation. Commissioner Albrecht seconded the motion.

The motion was approved.

**D. Docket No. 20-CONS-3219-CINV**

*In the Matter of a General Investigation into Increased Seismic Activity in Rooks County, Kansas.*

Commissioner Albrecht moved for approval of Order #20-0210 – Order Opening General Investigation. Commissioner Keen seconded the motion.

The motion was approved.

**E. Docket No. 20-CONS-3208-CMSC**

*In the matter of a Compliance Agreement between E & B Natural Resources Management Corporation (“Operator”) and Commission Staff regarding bringing 62 wells into Compliance with K.A.R. 82-3-111.*

Commissioner Keen moved for approval of Order #20-0206 – Order Approving Compliance Agreement. Commissioner Albrecht seconded the motion.

The motion was approved.

**3. Discussion:**

**A. CC Docket No. 98-170, WC Docket No. 04-36  
(Federal Communications Commission)**

Commissioner Albrecht moved the Commission authorize the KCC Staff to file the comments in CC Docket No. 98-170, WC Docket No. 04-36 on behalf of the Commission. Commissioner Keen seconded the motion.

The motion was approved.

**B. FERC Docket No. RP20-470-000**

Commissioner Keen moved the Commission authorize our D.C. counsel to file a doc-less intervention on behalf of the Commission in FERC Docket No. RP20-470-000, and to make any further filings as necessary to protect the interests of Kansas ratepayers. Commissioner Albrecht seconded the motion.

The motion was approved.

4. **Other Matters:**

Chair Duffy moved to meet in Executive Session for a period of 45 minutes, to discuss confidential data relating to financial affairs or trade secrets of corporations, pursuant to K.S.A. 75-4319(b)(4), to discuss issues or matters pending before the Commission relating thereto. Commissioner Keen seconded the motion. The Commission will reconvene in the 1<sup>st</sup> Floor Hearing room at 11:05 a.m.

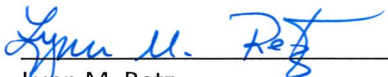
The motion was approved.

The Commission moved into Executive Session at 10:20 a.m. and reconvened in public session at 11:05 a.m.

No action was taken following the executive session.

**There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Chair Duffy seconded the motion. The motion was approved. The Commission adjourned the February 6, 2020, Commission Meeting at 11:05 a.m.**

Respectfully submitted,

  
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Lynn M. Retz  
Executive Director

  
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Susan K. Duffy, Chair

  
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Shari Feist Albrecht, Commissioner

  
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Dwight D. Keen, Commissioner



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Susan K. Duffy, Chair  
Shari Feist Albrecht, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

Motion to File Comments in CC Docket No. 98-170 and WC Docket No. 04-36  
(Federal Communications Commission)

**Date:** February 6, 2020  
**Docket No:** CC Docket No. 98-170, WC Docket No. 04-36;  
In the Matter of Truth-in-Billing and Billing Format IP Enabled Services.

**Background:**

On December 13, 2019, the Federal Communications Commission sent out a Public Notice soliciting comments from any interested parties regarding truth-in-billing practices and their applicability to Voice over Internet Protocol (VoIP) providers.

The KCC telecommunications Staff prepared written comments that they would like the Commission to endorse and file. The comments themselves advocate for VoIP providers to be subject to truth-in-billing rules at the federal level. They explain the consumer benefits of charges being made clear on customer bills including helping customers choose amongst different providers and being informed about surcharges and fees. The comments specifically support the identification of governmental fees on bills and whether they are mandatorily imposed by law or simply authorized.

**Motion:**

I move the Commission authorize the KCC Staff to file the comments in CC Docket No. 98-170, WC Docket No. 04-36 on behalf of the Commission.



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Susan K. Duffy, Chair  
Shari Feist Albrecht, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

## Motion to File Doc-Less Intervention in FERC Docket No. RP20-470-000

**Date:** February 6, 2020  
**Docket No:** RP20-470-000; Annual Modernization Capital Cost Recovery Mechanism Filing Pursuant to Docket No. RP19-289 Settlement

### **Background:**

On January 30, 2020, Southern Star Central Gas Pipeline, Inc. (Southern Star) filed proposed tariff sheets reflecting a rate increase for a Capital Cost Recovery Mechanism (CRM) approved in their last rate case.

Upon review, our D.C. counsel recommended that the KCC file a doc-less intervention to monitor the case and file any substantive comments as might be warranted depending upon Staff's technical review of the information.

### **Motion:**

I move the Commission authorize our D.C. counsel to file a doc-less intervention on behalf of the Commission in FERC Docket No. RP20-470-000, and to make any further filings as necessary to protect the interests of Kansas ratepayers.



# ITEMS OF Consent Agenda

Approval Date: Thursday, February 6, 2020

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rates for Rate-of-Return Regulated Carriers for the Twenty-Third Year of the Kansas Universal Service Fund, Effective March 1, 2019. <i>Order Approving Traffic Factors for McLeodUSA Telecommunications Services, LLC, et al.</i>	19-GIMT-056-GIT	
2	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rates for Rate-of-Return Regulated Carriers for the Twenty-Third Year of the Kansas Universal Service Fund, Effective March 1, 2019. <i>Order Approving Traffic Factors for Matrix Telecom LLC, et al.</i>	19-GIMT-056-GIT	
3	In the Matter of the General Investigation for Ionex Communications, LLC to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and/or All Certificates of Convenience and Authority the Company Holds be Suspended, Canceled, or Revoked for Non-Compliance with Kansas Statutes and Commission Orders. <i>Status Report Order and Penalty</i>	19-ICIT-179-SHO	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Southern Pioneer Electric Company for Approval to Make Certain Changes in its Charges for Electric Service <i>Order Approving Joint Motion to Revise Procedural Schedule</i>	20-SPEE-169-RTS	
5	In the Matter of the Investigation of Danny G. Lambeth, d/b/a Truck Wholesale of Wellington, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order Setting Procedural Schedule</i>	20-GIMM-211-KHP	
6	In the Matter of the Complaint Against Evergy by Kelly Lee <i>Order Denying Formal Complaint and Adopting Litigation Staff's Memorandum</i>	20-KCPE-221-COM	
7	In the Matter of the Investigation of A/R Roofing, L.L.C. of Pratt, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order Approving Stipulated Settlement Agreement</i>	20-GIMM-238-KHP	
8	In the Matter of Mutual Telephone Company Filing Tariff Revisions of its Lifeline Service Program. <i>Order Approving Tariff Revisions</i>	20-MTLT-315-TAR	
9	In the Matter of Consolidated Communications of Missouri Company Filing Revisions to Increase Access Line Rates <i>Order Assessing Costs</i>	20-FCMT-327-TAR	
10	In the Matter of Southern Kansas Telephone Company Filing Revisions to its Lifeline Service Program Language <i>Order Assessing Costs</i>	20-SNKT-328-TAR	
11	In the Matter of Southern Kansas Telephone Company Filing Revisions to its Lifeline Service Program Language <i>Order Approving Tariff Revisions</i>	20-SNKT-328-TAR	
12	In the Matter of Totah Communications Filing Revisions to its Lifeline Service Program Language <i>Order Assessing Costs</i>	20-TTHT-329-TAR	
13	In the Matter of Twin Valley Telephone Filing Revisions to its Lifeline Service Program Language <i>Order Assessing Costs</i>	20-TWVT-330-TAR	
14	In the Matter of Consolidated Communications of Kansas Company Filing Revisions to Increase Access Line Rates <i>Order Assessing Costs</i>	20-SFLT-331-TAR	
15	In the Matter of the Application of The Empire District Electric Company a Liberty Utilities Company for the Ad Valorem Tax Surcharge Rider Tariff Adjustment Annual True-Up for 2020 <i>Order Assessing Costs</i>	20-EPDE-334-TAR	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the Matter of the Application of Caney Valley Disposal, LLC ("Operator") for an Operator's License Renewal. <i>License Application - Caney Valley Disposal, LLC</i>	20-CONS-3202-CMSC	
17	In the Matter of the Application of Charles L. Miller dba Miller Oil Property ("Operator") for an Operator's License Renewal. <i>License Application - Charles L. Miller dba Miller Oil Property</i>	20-CONS-3203-CMSC	
18	In the Matter of the Application of Yellow Dog Energy, LLC ("Operator") for an Operator's License Renewal. <i>License Application - Yellow Dog Energy, LLC</i>	20-CONS-3204-CMSC	
19	In the matter of the failure of Merit Energy Company, LLC ("Operator") to comply with K.A.R. 82-3-407 at the North Eubank Morrow Unit #702 W in Haskell County, Kansas. <i>Penalty Order - Merit Energy Company, LLC</i>	20-CONS-3216-CPEN	
20	In the Matter of the Investigation of Kropf Lumber, Inc. of Hesston, Kansas, Regarding the Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	20-TRAM-332-PEN	
21	In the Matter of the Investigation of Huber Sand, Inc. of Garden City, Kansas, Regarding the Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	20-TRAM-333-PEN	
22	In the Matter of the Investigation of Geiger Ready-Mix Co., Inc., Kansas, Regarding the Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	20-TRAM-335-PEN	

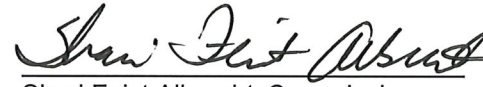
The above-captioned matter(s) were approved by the Commission, unless noted as removed.



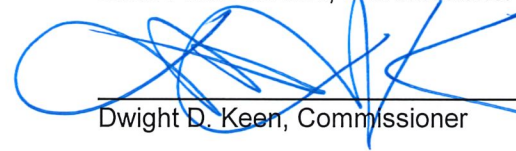
For the Commission :



Susan K. Duffy, Chair



Shari Feist Albrecht, Commissioner



Dwight D. Keen, Commissioner

Attest:



Lynn M. Retz  
Executive Director